THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20496 of 2007

Between:

Palli Krishna Murthy. … Petitioner

and

The Tahasildar and others. … Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20496 of 2007

ORDER:

It is the case of the petitioner that he is a cultivating tenant-cum-possessor of an extent of Ac.4-00 gts. in Sy.No.310 of Rajupeta Village, Munagapaka Mandal, Visakhapatnam District, from the year 1978 onwards and the said land originally belongs to one Mr.Rama Raju. While so, the notice, dated 15-08-2007, issued under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007 and well as the proceedings issued by the 1st respondent, dated 02-09-2007, were served to the petitioner on 25-09-2007. It is stated that no show cause notice has been issued to the petitioner before passing final order and therefore, the impugned order passed under Section 4(1) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, is illegal and unsustainable.

A perusal of the impugned proceedings goes to show that the land admeasuring Ac.4-00 gts. in Sy.No.310 of Rajupeta Village, Munagapaka Mandal, Visakhapatnam District, was originally assigned in favour of one Rama Raju and during the course of enquiry it was found that the said land was transferred in favour of the petitioner's father namely one Pelli Demullu and accordingly a show cause notice was issued to the purchaser and as the purchaser has not given any explanation, the said final order has been passed.

I am of the opinion that if the petitioner is in possession of the land in question and if he is aggrieved by the order, dated 02-09-2007, the petitioner has got an effective alternative remedy by way of filing appeal under Section 4-A (1) of the Act.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with liberty to file an appeal before the Appellate Authority against the order, dated 02-09-2007. There shall be no order as to costs.

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28-09-2007

Prv